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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 6 December 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to advance the following comments of the Government of the Federal Republic of Yugoslavia concerning the draft resolutions entitled "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia" (A/C.3/50/L.46) and "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia" (A/C.3/50/L.45).

The comments also pertain to the position of the Federal Republic of Yugoslavia regarding several statements and accusations about the human rights situation in the territory of the former Socialist Federal Republic of Yugoslavia made in the debate in the Third Committee under agenda item 112 (b) and (c).

The Government of the Federal Republic of Yugoslavia regrets that the draft resolutions reflect unhelpful propaganda rhetoric and a selective approach in the protection of human rights.

Several months have passed since the ruthless Croatian aggression against United Nations Protected Area (UNPA) sectors West, North and South and the joint military offensive of the combined units of the Army of the Republic of Croatia, Croatian Defence Council (HVO) and forces of the Government of Bosnia and Herzegovina against the territory of the Republika Srpska in western Bosnia. These military operations resulted in the largest and most dramatic ethnic cleansing since the crisis and the conflicts in the territory of the former Socialist Federal Republic of Yugoslavia started in 1991, as over 300,000 Serbs were expelled. Against this background, it is totally incomprehensible that the

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draft resolution (A/C.3/50/L.46) has failed to appropriately condemn such behaviour of the Government of Croatia and the Government of Bosnia and Herzegovina, or to provide corresponding measures to protect the Serb population.

The reports of the Secretary-General of the United Nations of 23 August 1995 (S/1995/730), 18 October 1995 (A/50/648) and 23 November 1995 (S/1995/987), the report of the new Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, Mrs. Elizabeth Rehn, of 7 November 1995 (A/50/727-S/1995/933), the statements made by the President of the Security Council on 4 August 1995 (S/PRST/1995/38), 7 September 1995 (S/PRST/1995/44) and 3 October 1995 (S/PRST/1995/49) and the special report of the European Union Monitoring Mission of September 1995 testify to the magnitude of the suffering of the Serb population. However, in the draft resolution there is scarcely a mention of the crimes perpetrated against the Serbs, especially by the forces loyal to the Government of Bosnia and Herzegovina. In this connection, the Government of the Federal Republic of Yugoslavia wishes to draw attention to Security Council resolutions 1009 (1995) of 10 August 1995 and 1019 (1995) of 9 November 1995.

Instead, the said draft resolution contains inappropriate, out-of-date assertions, at the expense of the Serb side alone, the prevailing practice for some time now. This approach is a striking example of a double standard and of partiality fostered by some Members of the United Nations, who advocate biased, zealous and discriminatory attitudes towards the entire Serb nation, while at the same time claiming to protect the rights of all the peoples in the territory of the former Socialist Federal Republic of Yugoslavia.

There are no grounds or justification to equate the situation in the Federal Republic of Yugoslavia with that in the Republic of Croatia and the Republic of Bosnia and Herzegovina, in view of the fact that the Federal Republic of Yugoslavia is not involved in the armed conflict with any of its neighbours.

By invoking the data from the reports of the previous Special Rapporteur, with whom the Government of the Federal Republic of Yugoslavia severed all relations because of his proven partiality, the authors of draft resolution A/C.3/50/L.46 wish to portray that in the Federal Republic of Yugoslavia there are "massive and systematic violations of human rights and international humanitarian law". The Government of the Federal Republic of Yugoslavia categorically rejects these allegations as absolutely baseless. There were some incidents but the law-enforcement authorities acted appropriately and the perpetrators were punished in accordance with the law. However, those were isolated cases and cannot in any way be presented as massive and systematic violations of human rights. The draft, regretfully, distorts the truth when it seeks to portray certain court proceedings or legitimate interventions by the law-enforcement officers against violence, separatism or terrorism as deliberate harassment or persecution of the members of certain categories of population in the Federal Republic of Yugoslavia. In the greatest majority of cases, those were legitimate interventions of the State authorities and courts against the perpetrators whoever they may be.

Regarding draft resolution A/C.3/50/L.45, the Secretary-General of the United Nations stated in his reports (A/48/858 and A/50/329) that rape had been reported to have been committed by all sides to the conflict. Assertions that the Serbs are solely responsible for instances of rape whereas the victims are the non-Serbs, as a rule, is untrue and unhelpful.

The Government of the Federal Republic of Yugoslavia has repeatedly condemned crimes against peoples, their freedom or property and, regardless of who the culprits are, is firm in its stand that those responsible must be brought to justice and appropriately punished.

On numerous occasions, the Government of the Federal Republic of Yugoslavia has expressed its commitment towards the continuation of cooperation with the Organization for Security and Cooperation in Europe (OSCE), provided that all rights of the Federal Republic of Yugoslavia, as a full-fledged member, are restored.

The unsubstantiated and generalized charges of alleged violations of the human rights of the Albanian minority in the Federal Republic of Yugoslavia are aimed at shifting attention from the open tendencies of the extreme political leadership of the Albanian minority in the Autonomous Province of Kosovo and Metohija towards the secession of this integral part of the Federal Republic of Yugoslavia.

Cynical and inhuman are claims that the Serb refugees from Krajina and the Republic of Srpska are allegedly being used to alter the demographic balance in Kosovo, Vojvodina and other parts of the Federal Republic of Yugoslavia. Had the concerned countries and other international factors exerted their influence on Croatia and Bosnia and Herzegovina, there would have not been any need for the Serbs to flee and be resettled in the territory of the Federal Republic of Yugoslavia. As far as the settlement of the refugees is concerned, it is a sovereign right of any State to decide, depending on available resources, where in its territory to settle them. The Government of the Federal Republic of Yugoslavia is trying to resettle the said refugees throughout its territory as evenly as possible.

As regards the position of persons belonging to ethnic or national, religious and linguistic minorities in the territory of the Federal Republic of Yugoslavia, they are citizens with equal rights and obligations under the Constitution and the laws of the country in which they live. It is strange that some countries (Albania, Bulgaria) during the course of the debate in the Committee expressed concern over the position of minorities in the Federal Republic of Yugoslavia, when Albania does not recognize the existence of the Yugoslav national minority and Bulgaria does not recognize the existence of national minorities at all.

I should be grateful if you have the present letter circulated as a document of the General Assembly under agenda item 112 (c).

(Signed) Vladislav JOVANOVIĆ
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